



BROOKS BAWDEN LLC

Weekly Update

March 21–25, 2016

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Latest News

- The House is in session this week through Wednesday, and then will adjourn until April 12, while the Senate will meet in pro-forma sessions until April 4. The markup of legislation to reform some aspects of the Electronic Communications Privacy Act has been officially scheduled for April 13 in the House Judiciary Committee. Law enforcement groups have been actively engaged with the committee and multiple Member offices seeking changes to the bill to ensure that it does not harm law enforcement access to information during an investigation.
- **ASSET FORFEITURE** - Senators Thom Tillis and Roy Blunt sent a letter to the Senate Appropriations CJS Subcommittee Chairman Richard Shelby and Vice Chairwoman Barbara Mikulski urging them to include language in the FY 2017 CJS Appropriations bill that ensures that no existing or new receipts of the Asset Forfeiture Fund are reprogrammed, diverted, or used as an offset for non-law enforcement purposes. You can view the letter [here](#).
- **ENCRYPTION** - On Monday, House Judiciary Committee Chairman Bob Goodlatte, Ranking Member John Conyers, House Energy and Commerce Committee Chairman Fred Upton, and Ranking Member Frank Pallone, Jr. announced the creation of an encryption working group to examine the complicated legal and policy issues surrounding encryption. The group will identify potential solutions that preserve the benefits of strong encryption – including the protection of Americans’ privacy and information security – while also ensuring law enforcement has the tools needed to keep us safe and prevent crime. You can view the release [here](#).
- **A Call to Action: Equipping Law Enforcement With the Tools to Investigate Cybercrime** - Cybercrime is one of the greatest threats facing our country and has enormous implications for our national security, economic prosperity, and public safety. The challenge facing state, local, tribal, and territorial (SLTT) law enforcement partners includes investigating a broad variety of cybercrimes and cyberthreats by criminals, hackers, terrorists, and state actors. To meet this challenge, it is vital that SLTT law enforcement leaders ensure that appropriate agency personnel receive cybercrime training. The following examples of no-cost federally funded cybercrime trainings are available for agency personnel to build a basic understanding of cybercrime and to explore advanced considerations. You can view the flyer [here](#).
- **ARTICLES OF INTEREST:**
Legal marijuana sales forecast to hit \$23B in 4 years
USA Today | Trevor Hughes
 Marijuana is rapidly becoming a big, semi-legal business across the country, with \$5.7 billion in sales last year and tens of thousands of people working and paying taxes as they cultivate, package and sell cannabis. Colorado, Alaska, Oregon, Washington state and Washington, D.C. have all legalized adult recreational use, and 23 states and the District of

Columbia permit some form of medical use. That's despite the fact that marijuana remains an illegal drug and Schedule I controlled substance at the federal level. **Continue reading [here](#).**

Police joining forces to combat fraudsters in check-cashing ring
Boston Herald | Chris Villani

A Connecticut police department is acting as a regional hub of information in an effort to coordinate local cops to thwart the so-called Felony Lane Gang, a group of up to 1,000 fraudsters running a break-in and check-cashing scam along the East Coast. "Are we going to put them out of business? Absolutely not. Are they going to think twice about Connecticut, Massachusetts and New Hampshire because we work together? Hopefully," said Darien, Conn., police Lt. Ronald Bussell. As the Herald reported yesterday, the gang has ripped off more than \$1 million from victims, including cases in multiple New Hampshire and Massachusetts towns, according to the Department of Justice. Bussell reached out to the Commonwealth Fusion Center in Maynard this week to loop the Bay State in on an expanding network of local police departments that are now working together to share information about the notorious ring. **Continue reading [here](#).**

Hearings & Markups Happening This Week

House Homeland Security Committee - Cybersecurity Subcommittee Hearing
[The Role of Cyber Insurance in Risk Management](#)
March 22 @ 10:00 am - 311 Cannon

House Oversight Committee - Full Committee Hearing
[America's Heroin and Opioid Abuse Epidemic](#)
March 22 @ 10:00 am - 2154 Rayburn

House Judiciary Committee - [Full Committee Markup](#) - March 22 @ 10:15 am - 2141 Rayburn

[H.R. 4676 - Preventing Crimes Against Veterans Act of 2016](#)

Status: To be marked up by the House Judiciary Committee on 3/22

Summary: This bill amends the federal criminal code to declare that any person who knowingly engages in any scheme or artifice to defraud a veteran of veterans' benefits, or in connection with obtaining veteran's benefits for that veteran, shall be fined, imprisoned not more than five years, or both.

House Appropriations Committee - CJS Subcommittee Hearing
[Budget for the Drug Enforcement Administration](#)
March 22 @ 2:00 pm - H-309 Capitol

House Oversight Committee - Government Operations Subcommittee Hearing
[National Security: Threats at Our Borders](#)
March 23 @ 9:00 am - 2154 Rayburn

House Homeland Security Committee - [Full Committee Markup](#) - March 23 @ 9:00 am - 311 Cannon

[H.R. 4482 - Southwest Border Security Threat Assessment Act of 2016](#)

Status: To be marked up by the House Homeland Security Committee on 3/23

Summary: This bill directs the Secretary of Homeland Security (DHS) to submit a southwest border threat analysis that includes an assessment of: terrorism and criminal threats posed by individuals and organized groups seeking to unlawfully enter the United States through the southwest border or seeking to exploit border vulnerabilities along such border; improvements needed at and between ports of entry along such border to prevent terrorists and instruments of terror from entering the United States; gaps in law, policy, cooperation between state, local, or tribal law enforcement, international agreements, or tribal agreements that hinder effective and efficient border security, counterterrorism, anti-human smuggling and trafficking efforts, and the flow of legitimate trade along such border; and the current percentage of situational awareness and of operational control of U.S. borders achieved by DHS of the international land and

maritime borders of the United States.

[H.R. 4509](#) - State and High-Risk Urban Area Working Group Act

Status: To be marked up by the House Homeland Security Committee on 3/23

Summary: Clarifies membership of State planning committees or urban area working groups for the Homeland Security Grant Program.

[H.R. 4549](#) - Treating Small Airports with Fairness Act of 2016

Status: To be marked up by the House Homeland Security Committee on 3/23

Summary: Requires the Transportation Security Administration to conduct security screening at certain airports.

[H.R. 4698](#) - Securing Aviation from Foreign Entry Points and Guarding Airports Through Enhanced Security Act of 2016

Status: To be marked up by the House Homeland Security Committee on 3/23

Summary: Enhances aviation by requiring airport security assessments and a security coordination enhancement plan.

[H.R. 4780](#) - Department of Homeland Security Strategy for International Programs Act

Status: To be marked up by the House Homeland Security Committee on 3/23

Summary: Requires the Secretary of Homeland Security to develop a comprehensive strategy for Department of Homeland Security operations abroad.

[H.R. 4785](#) - DHS Stop Asset and Vehicle Excess Act

Status: To be marked up by the House Homeland Security Committee on 3/23

Summary: directs the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet.

[H.R. XXXX](#) - Combating Terrorist Recruitment Act of 2016

Status: To be marked up by the House Homeland Security Committee on 3/23

Summary: Requires the Secretary of Homeland Security to use the testimonials of former or estranged violent extremists or their associates in order to counter terrorist recruitment.

Legislation on the Floor This Week

House:

[H.R. 4314](#) - Counterterrorism Screening and Assistance Act of 2016

Status: To be considered in the House on 3/21

Summary: To require a plan to combat international travel by terrorists and foreign fighters, accelerate the transfer of certain border security systems to foreign partner governments, establish minimum international border security standards, authorize the suspension of foreign assistance to countries not making significant efforts to comply with such minimum standards, and for other purposes.

[S. 1180](#) - Integrated Public Alert and Warning System Modernization Act of 2015

Status: To be considered in the House on 3/21

Summary: Amends the Homeland Security Act of 2002 to direct the Federal Emergency Management Agency (FEMA) to: (1) modernize the integrated U.S. public alert and warning system to help ensure that under all conditions the President, federal agencies, and state, tribal, and local governments can alert and warn the civilian population in areas endangered by natural disasters, acts of terrorism, and other man-made disasters or threats to public safety; and (2) implement such system to disseminate timely and effective warnings.

Senate:

The Senate is meeting in pro-forma sessions this week, and will return on April 4.

Recap of Last Week's Hearings & Markups

Note: For more details on any of the following hearings, we can provide access to hearing transcripts upon request.

House Homeland Security Committee - Emergency Preparedness Subcommittee Hearing - March 15

[State of Emergency: The Disaster of Cutting Preparedness Grants](#)

Summary: This hearing heard from multiple state and local elected and public safety leaders on the importance of the FEMA preparedness grants. The devastating impact the proposed cuts would have on the ability of state and local leaders to prepare, prevent, and respond to an emergency would be significantly harmed should the cuts go into effect. Members of the committee were overwhelmingly in opposition to the proposed cuts, and this hearing highlighted the importance that this funding has on fusion centers, the fire service, emergency responders, and state emergency planners and administrators.

Senate Homeland Security Committee - Full Committee Hearing - March 15

[The Security of U.S. Visa Programs](#)

Summary: This hearing examined concerns with efforts to modernize current border controls, and problems with the current visa program. DHS IG Roth discussed several concerns that his office has found including green cards being printed and sent with incorrect names and addresses. Additionally, concerns with poor digital tracking of immigrants' data makes it difficult to effectively process those entering the country. Concerns continue to be raised with the lack of progress in automating the system and capturing important details on those entering the country.

House Appropriations Committee - Homeland Security Subcommittee Hearing - March 15

[Budget for the U.S. Secret Service](#)

Summary: This hearing discussed the Administration's budget proposal for the U.S. Secret Service. Concerns were raised regarding retention issues, and the ability to hire enough new agents, officers, and staff. Additionally, this hearing highlighted where the agency is at in implementing the recommendations from the Blue Ribbon Panel to reform the structure of the agency, instill leadership amongst management, restore morale, and ensure the agency has the resources necessary to carry out its mission.

House Homeland Security Committee - Full Committee Hearing - March 16

[DHS in Today's Dangerous World: Examining The Department's Budget and Readiness to Counter Homeland Threats](#)

Summary: This hearing examined the Administration's proposed budget for the Department of Homeland Security, and how this budget corresponds with the current threat environment. Secretary Johnson acknowledged the importance of FEMA preparedness grants for state and local law enforcement and emergency responders, but also stated that difficult choices had to be made given the budget caps, resulting in significant proposed cuts in the budget.

Senate HELP Committee - [Full Committee Markup](#) - March 16

[S. 2680](#) - Mental Health Reform Act of 2016

Status: Approved by the HELP Committee on 3/16

Summary: To amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.

[S. 1455](#) - The Recovery Enhancement for Addiction Treatment Act

Status: Approved by the HELP Committee on 3/16

Summary: Amends the Controlled Substances Act to increase the number of patients that a qualifying practitioner dispensing narcotic drugs for maintenance or detoxification treatment is initially allowed to treat from 30 to 100 patients per year.

[S. 2256 - Co-Prescribing Saves Lives Act of 2015](#)

Status: Approved by the HELP Committee on 3/16

Summary: To establish programs for health care provider training in Federal health care and medical facilities, to establish Federal co-prescribing guidelines, to establish a grant program with respect to naloxone, and for other purposes.

[S. 480 - National All Schedules Prescription Electronic Reporting](#)

Status: Approved by the HELP Committee on 3/16

Summary: Amends the National All Schedules Prescription Electronic Reporting Act of 2005 to include as a purpose of state-administered controlled substance monitoring systems ensuring access to prescription history information for the investigative purposes of appropriate law enforcement, regulatory, and state professional licensing authorities. Amends the Public Health Service Act to revise and reauthorize through FY2020 the controlled substance monitoring program, including to: allow grants to be used to maintain and operate existing state controlled substance monitoring programs, require the Department of Health and Human Services (HHS) to redistribute any funds that are returned among the remaining grantees, require a state to provide HHS with aggregate data and other information to enable HHS to evaluate the success of the state's program, and expand the program to include any commonwealth or territory of the United States.

[S. 2687 - Plan of Safe Care Improvement Act](#)

Status: Approved by the HELP Committee on 3/16

Summary: To amend the Child Abuse Prevention and Treatment Act to improve plans of safe care for infants affected by illegal substance abuse or withdrawal symptoms, or a Fetal Alcohol Spectrum Disorder, and for other purposes.

Senate Homeland Security Committee - Full Committee Hearing - March 16

[DHS Management and Acquisition Reform](#)

Summary: This hearing looked at DHS acquisition policies and examined concerns raised that DHS continues to lack cohesion amongst all its entities to act as one to achieve a common goal. GAO explained that although the department has struggled to effectively manage key programs, including ensuring that all major acquisitions had approved baselines and that they were affordable, there has been significant progress. Steps have been made over the past few years towards getting DHS off the high risk list by improving the monitoring of its key management initiatives.

House Appropriations Committee - Homeland Security Subcommittee Hearing - March 17

[Budget for U.S. Immigration and Customs Enforcement](#)

Summary: This hearing looked at the budget request for ICE, with questions focused heavily on detention facilities conditions, number of beds, and who is being detained. Priority enforcement policies was a concern, ensuring that we are focused on and following through with the removal of those who poses the highest dangers to our communities. Additionally, concerns were also raised regarding the release of some illegal aliens who have a previous record, and then upon release commits other acts of violence.

Legislation Considered Last Week

House:

Nothing affecting the law enforcement or homeland security community.

Senate:**S. 483 - Ensuring Patient Access and Effective Drug Enforcement Act of 2016****Status:** Approved by the Senate on 3/17

Summary: Amends the Controlled Substances Act to define: (1) "factors as may be relevant to and consistent with the public health and safety," for purposes of the Attorney General's determination of whether registering an applicant to manufacture or distribute a controlled substance in schedule I or II is in the public interest, as factors that are relevant to and consistent with the findings of such Act; and (2) "imminent danger to the public health or safety," for purposes of the suspension of such a registration, to mean that in the absence of an immediate suspension order, controlled substances will continue to be distributed or dispensed by a registrant who knows or should know, through fulfilling the obligations of the registrant under such Act, that the dispensing is outside the usual course of professional practice, that the distribution or dispensing poses a present or foreseeable risk of adverse health consequences or death due to the abuse or misuse of the controlled substances, or that the controlled substances will continue to be diverted outside of legitimate distribution channels.

Legislation Introduced Last Week

Date Introduced	Bill Number	Sponsor	Description
3/17/2016	HR 4804	Sean Patrick Maloney	Stop Swatting in Our Schools Act of 2016 - To provide for a task force within the FBI to deal with certain malicious and false threats in order made to obtain a response by law enforcement, and for other purposes.
3/17/2016	HR 4785	Scott Perry	DHS SAVE Act - To amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's vehicle fleet, and for other purposes.
3/17/2016	HR 4780	Bennie Thompson	To require the Secretary of Homeland Security to develop a comprehensive strategy for Department of Homeland Security operations abroad, and for other purposes.
3/17/2016	HR 4779	Jason Chaffetz	CBD Oil Act of 2016 - To amend the Controlled Substances Act to prevent Federal prosecutions for certain conduct, relating to CBD oil, that is lawful under State law, and for other purposes.
3/17/2016	S 2735	Charles Schumer	A bill to strengthen the enforcement of explosive materials prohibitions, and for other purposes.
3/16/2016	HR 4765	Jaime Herrera Beutler	Fire Department Proper Response and Equipment Prioritization Act - To provide first responders with planning, training, and equipment capabilities for crude oil-by-rail and ethanol-by-rail derailment and incident response, and for other purposes.
3/16/2016	HR 4760	Ken Buck	Blue Lives Matter Act of 2016 - To make an attack on a police officer a hate crime, and for other purposes.
3/16/2016	S 2694	Pat Toomey	Lifesaving Gear for Police Act - To ensure America's law enforcement officers have access to lifesaving equipment needed to defend themselves and civilians from attacks by terrorists and violent criminals.
3/15/2016	HR 4748	Jackie Speier	Imported Assault Weapons Ban of 2016 - To ban the importation of semiautomatic assault weapons, and for other purposes.
3/15/2016	HR 4743	Joaquin Castro	National Cybersecurity Preparedness Consortium Act of 2016 - To authorize the Secretary of Homeland Security to establish a National Cybersecurity Preparedness Consortium, and for other purposes.

3/15/2016	HR 4740	Katherine Clark	Cybercrime Enforcement Training Assistance Act of 2016 - To direct the Attorney General to make grants to States and units of local government for the prevention, enforcement, and prosecution of cybercrimes against individuals, and for other purposes.
3/15/2016	S 2685	Dick Durbin	Mental Health on Campus Improvement Act - To amend the Public Health Service Act to improve mental and behavioral health services on campuses of institutions of higher education.
3/15/2016	S 2680	Lamar Alexander	Mental Health Reform Act of 2016 - To amend the Public Health Service Act to provide comprehensive mental health reform, and for other purposes.
3/14/2016	HR 4731	Raul Labrador	Refugee Program Integrity Restoration Act of 2016 - To provide for an annual adjustment of the number of admissible refugees, and for other purposes.
3/14/2016	HR 4729	Gerald Connolly	Federal Firefighter Pay Equity Act - To provide for the more accurate computation of retirement benefits for certain firefighters employed by the Federal Government.